

Case No. 1:23-mj-267

AFFIDAVIT

I, Daniel Lewis, being duly sworn on oath, depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since March 2017. I am currently assigned to the Williston Resident Agency of the Minneapolis Field Office and primarily charged with investigating drug trafficking and firearms violations under Titles 18 and 21 of the United States Code. Prior to my assignment to the Williston Resident Agency, I was assigned to the Los Angeles Metropolitan Task Force on Violent Gangs of the FBI Los Angeles Field Office. I have received over twenty weeks of law enforcement training at the FBI Academy in Quantico, Virginia. I have been involved in numerous investigations dealing with the possession and use of firearms. Before becoming a Special Agent with the FBI, I was employed with Alabama Board of Pardons and Paroles as a State Probation and Parole Officer in Huntsville, Alabama.

2. This affidavit is made in support of a Complaint charging Cameron Monte Smith (Smith) with the offenses of Destruction of an Energy Facility and Possession of a Firearm by an Illegal Alien and is based in part on information transmitted to me by Williams County Sheriff's Office (WCSO) detectives and my conversations with other law enforcement officers.

3. On May 13, 2023, WCSO deputies were dispatched to the Wheelock Substation, located in Ray, North Dakota. This facility is an electric power substation and is operated by Mountrail-Williams Electric Cooperative and Basin Electric Power

Cooperative. Employees at the substation stated they responded to the substation on May 13, in the morning, after alarms indicated that equipment was not working. Once the employees arrived at the substation, they found bullet holes in multiple pieces of equipment, at which time they notified law enforcement. Law enforcement officers from the WCSO responded to the substation. The substation is enclosed by a barbed-wire fence approximately eight feet high. Outside the fence line, law enforcement recovered approximately five empty .450 Bushmaster cartridge cases. Law enforcement also determined that approximately fifteen bullets penetrated and damaged substation transformers and numerous electrical apparatuses. As a result of the damage that the bullets caused to the substation, approximately 243 customers lost electrical service. Based on a preliminary assessment by the Mountrail-Williams Electric Cooperative, the damages caused by the attack are expected to be well in excess of \$100,000.

4. During a canvass of the area surrounding the substation, law enforcement located a Honda Element with vehicle license plate 273LXW approximately one-half mile southeast of the substation in the middle of an agricultural field. The vehicle appeared to be stuck in the mud and was not occupied.¹ The owner of the land on which the vehicle was located stated, in sum and substance, the following: the vehicle was not his; he did not know the registered owner of the vehicle; the vehicle was not there a few days ago when he seeded his farm; and he did not want the vehicle on his property. Law enforcement seized

¹ It was raining regularly in the area of the Wheelock Substation from Thursday (May 11) through Saturday evening (May 13).

and entered the abandoned vehicle in an attempt to identify the owner and remove the vehicle from the property. Inside the vehicle, law enforcement located, among other items, a pill bottle, medical paperwork bearing the name Cameron Smith, and a black rifle case. After seeing evidence in the vehicle that appeared to be related to the substation attack, law enforcement discontinued the search of the vehicle and applied for a search warrant through the Williams County State's Attorney's Office. Law enforcement later executed the search warrant and completed its search of the vehicle.

5. Law enforcement made contact with a tow truck driver (the "Tow Truck Driver") in an attempt to remove the vehicle from the property. The Tow Truck Driver informed law enforcement that, at approximately 9:45 am on May 13, 2023, the Tow Truck Driver had responded to 119th Street Northwest, which was approximately one and one-half miles east of the location of the abandoned vehicle to pick up an individual (later identified as Smith, as detailed further below) who needed assistance. The Tow Truck Driver drove Smith to 121st Avenue Northwest, approximately one-half mile south of the substation, where Smith walked east of the roadway to a vehicle stuck in a field. Smith entered the vehicle, removed two duffel bags and a collapsible wheeled cart, then returned to the tow truck with those items. The Tow Truck Driver drove Smith to a local hotel in Williston, North Dakota, and the driver left Smith at the hotel. A few hours later, the Tow Truck Driver received a phone call from Smith from a restricted number. Smith asked for assistance in recovering his vehicle from the field. The Tow Truck Driver stated that he would only assist Smith if Smith provided the Tow Truck Driver with Smith's name and

telephone number. Smith provided the Tow Truck Driver with the name “Cam Smith” and a telephone number with a 647 area code (the “647 Cellphone”).²

6. Law enforcement responded to the hotel and made contact with hotel staff. Hotel staff indicated they had a guest obtain a room at the hotel earlier that morning under the name Cameron Smith and provided law enforcement with a copy of Smith’s Canadian passport, as well as a copy of Smith’s guest registration, on which Smith provided the hotel with the 647 Cellphone.

7. Law Enforcement obtained and executed a search warrant for Smith’s hotel room and person through the Williams County State’s Attorney’s Office. Smith was detained and transported to the Williams County Correctional Center on suspicion of Criminal Mischief. Law enforcement located two identification cards inside Smith’s hotel room with the name “Cameron Smith” on each identification card.

8. Due to adverse weather conditions, law enforcement executed the search warrant for the vehicle recovered in the field at the Williams County Sheriff’s Office Cold Storage garage. Inside the vehicle, among other items, law enforcement located approximately 166 live rounds of .450 Bushmaster ammunition and two muddy shoes.

9. On May 14, 2023, law enforcement was able to review the hotel’s security camera footage to determine that Smith departed the hotel at approximately 11:50 am on May 13, 2023, carrying two duffel bags and a collapsible wheeled cart. One bag appeared to be grey in color with a red zipper, and the other bag appeared to be green and blue in

² The full telephone number for the 647 Cellphone is known to your affiant.

color. Law enforcement continued reviewing security camera footage from businesses in the area of the hotel to track Smith's movements. Smith was seen pacing around the parking lot and surrounding property of a local business in Williston, North Dakota. At approximately 12:50 pm, Smith was seen on security camera footage walking west on 42nd Street, away from the local business, carrying the duffel bags and collapsible wheeled cart. Smith left the view of the security cameras at approximately 12:57 pm, at which time he can be seen walking east on 42nd Street, towards the same local business, but he was not carrying the duffel bags. Law enforcement canvassed the area surrounding the local business. Law enforcement later obtained additional security camera footage showing Smith walking east on 42nd Street on the north side of an apartment building. Smith can be seen turning south into the eastern-most parking lot of the apartment building—between an apartment building and a row of garage buildings.

10. Law enforcement located a dumpster on the property of the apartment building and accessible by the public. The dumpster was located directly south of the northeastern-most garage building. Inside the dumpster, law enforcement located a grey REI-brand duffel bag with a red zipper and a green and blue duffel bag. Both bags located in the dumpster matched the description of the bags that Smith was seen carrying on the hotel's security camera footage. Inside the grey duffel bag, law enforcement located a black .450 Bushmaster rifle bearing serial number BK5091719 and two live rounds of .450 Bushmaster ammunition. Inside the green and blue duffel bag, law enforcement located sixteen .450 Bushmaster rifle magazines, approximately 135 live rounds of .450 Bushmaster

ammunition, a 9mm Sig Sauer pistol bearing serial number 58C012701, four pistol magazines for the Sig Sauer pistol, and approximately 104 live rounds of 9mm ammunition.

11. Law enforcement conducted an additional canvass of the area in which Smith's vehicle was recovered. Law enforcement located tire tracks through the fields between 119th Avenue Northwest and the location in which Smith's vehicle was recovered. Law enforcement also located footprints on the ground between where Smith's vehicle was recovered and 119th Avenue Northwest, indicating an eastern direction of travel, towards 119th Avenue Northwest.


12. On May 15, 2023, an FBI Special Agent spoke via telephone with a Deportation Officer from the United States Immigration and Customs Enforcement ("Officer-1"). Officer-1 attempted to perform an immigration inspection of Smith. During the immigration inspection of Smith, Smith admitted that he and his parents are citizens of Canada. Smith refused to say when he last entered the United States. Officer-1 queried databases and found no evidence that Smith had legally entered the United States since last departing the United States in 2018, in which he traveled from Portland, Oregon, to Vancouver, British Columbia, Canada, via Amtrack train. Officer-1 also found no evidence that Smith had any applications or petitions pending or approved before the United States Citizenship and Immigration Services, or that Smith had applied for a visa through the United States Department of Homeland Security to enter the United States legally. Immigration officials have placed a detainer on Smith alleging that he is removable due to his status as unlawfully present in the United States.

13. On May 15, 2023, an FBI Special Agent spoke with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the .450 Bushmaster rifle and 9mm Sig Sauer pistol that were recovered from Smith's duffel bags. The ATF Special Agent indicated that those firearms were manufactured outside the State of North Dakota and, therefore, traveled in or affected interstate commerce, since they were recovered inside the State of North Dakota.

14. Based upon the foregoing, I believe there is probable cause to believe that Cameron Monte Smith has committed the offenses of Destruction of an Energy Facility, in violation of Title 18, United States Code, Section 1366(a), and Possession of a Firearm by an Illegal Alien in violation of Title 18, United States Code, Section 922(g)(5)(A).

The foregoing is true to the best of my knowledge and belief.

Dated at Williston, North Dakota, this 25th day of May, 2023.



Daniel Lewis, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 25th day of May, 2023.



CLARE R. HOCHHALTER
United States Magistrate Judge